



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding EAGLESON PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction and Preliminary Matters

On August 5, 2022, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

K.E. and C.G. attended the hearing as agents for the Landlord; however, the Tenant did not attend the hearing at any point during the 11-minute teleconference. All parties in attendance provided a solemn affirmation.

This hearing was scheduled to commence via teleconference at 11:00 AM on January 3, 2023.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only representatives for the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in, and I also confirmed from the teleconference system that the only party who had called into this teleconference were from the Landlord’s side.

As the Tenant did not attend the hearing, I dismiss this Application without leave to reapply.

K.E. testified that the Tenant gave up vacant possession of the rental unit on October 31, 2022.

Given that the Tenant had already given up vacant possession of the rental unit, it was not necessary to consider the merits of the Application, nor grant the Landlord an Order of Possession.

As the Tenant was not successful in this Application, I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 3, 2023

Residential Tenancy Branch